

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
Civil Action No: 1: 06 CV 60-T**

**MERRIMON BURWELL OXLEY and E. JAMES
OXLEY d/b/a MEADOWBROOK NURSERY
AND FARM and d/b/a WE-DU NATIVES,**

Plaintiff,

v.

**ASPLUNDH TREE EXPERT CO. and
CSX TRANSPORTATION, INC.**

Defendants.

**ORDER DISMISSING CASE
WITH PREJUDICE**

THIS MATTER is before the Court on the parties' joint motion to dismiss with prejudice.

For good cause shown,

IT IS, THEREFORE, ORDERED that the parties' motion is **ALLOWED**, and this action is hereby **DISMISSED WITH PREJUDICE** in its entirety, with each party to bear its own costs.

Signed: February 16, 2007



Lacy H. Thornburg
United States District Judge

